



Linda S. Adams
Secretary for
Environmental Protection

State Water Resources Control Board

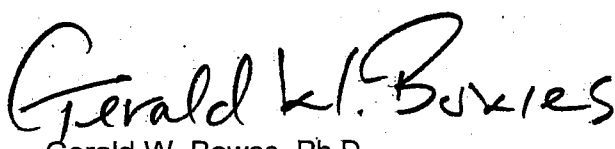
Division of Water Quality

1001 I Street • Sacramento, California 95814 • (916) 341-5455
Mailing Address: P.O. Box 100 • Sacramento, California • 95812-0100
FAX (916) 341-5463 • <http://www.waterboards.ca.gov>



Arnold Schwarzenegger
Governor

TO: Holly Lundborg, Senior
Planning Unit
North Coast Regional Water Quality Control Board

FROM: 
Gerald W. Bowes, Ph.D.
Chief, Toxicology and Peer Review Section
DIVISION OF WATER QUALITY

DATE: March 5, 2009

SUBJECT: REQUEST FOR EXTERNAL PEER REVIEWERS: REVIEW OF DISSOLVED
OXYGEN OBJECTIVE

In response to your request for peer reviewers for the subject noted above, the University of California identified candidates it considered qualified to perform this assignment. Each candidate was required to complete and sign a Conflict of Interest Disclosure form.

During the course of reviewing the disclosure forms, I contacted the candidates for clarification on certain topics. If they were able to provide satisfactory clarification and confirmed they could perform an objective and independent review free of conflict of interest and bias, I approved them as reviewers.

In my formal response to them indicating these approvals, I included the attached January 7, 2009, Supplement to our peer review guidelines. The Supplement provides rules of conduct for both the organization requesting the review and the reviewers, to ensure the review process is kept confidential through its course.

The approved reviewers are identified below.

1. Michael T. Brett, Ph.D.
Professor of Civil and Environmental Engineering
University of Washington
301 More Hall, Box 352700
Seattle, WA 98195-2700

Telephone: 206-616-3447
FAX: 206-685-9185
Email: mtbrett@u.washington.edu
2. Daniel Edward Schindler, Ph.D.
Professor, School of Aquatic and Fishery Sciences
University of Washington
Box 355020
Seattle, WA 98195-2700

California Environmental Protection Agency



Recycled Paper

Telephone: 206-616-6724
FAX: 206-685-7471
mail: deschind@u.washington.edu

Biographical information for the approved reviewers is provided with this memorandum.

Depending on the number of pages you plan to send the reviewers, I recommend that you consider providing them a hard copy of this material. You can enquire if any would prefer an electronic copy as well. Ask them if their preferred mailing address is the same as that given above.

Please contact your reviewers right away telling them of when you will transmit the material. They have accepted the assignment based on the date of availability given in your letter of request to me. If preparation of the material is delayed, ask them if the new date is acceptable, including me as a "cc." If subsequent delays occur, inform the reviewers and me as soon as possible. I am often contacted by reviewers and the University if delays occur and reviewers are not kept up-to-date.

Please provide a cover letter to initiate the review process. Include with it your request letter to me which provides a concise synopsis for your intended actions and its three attachments. **Also remind reviewers that their reviews must follow the guidance provided in Attachment 2.**

When the reviews have been completed, please let me know so that I can update my peer review files accordingly. If I can provide any additional assistance, please contact me at any time during the review process.

Attachments (3)

cc: Luis Rivera, North Coast Water Board (with all attachments)
Alydda Mangelsdorf, North Coast Water Board (with all attachments) ✓
Sheila Vassey, Office of Chief Counsel (with January 7, 2009 Supplement only)
Rik Rasmussen, Division of Water Quality (with January 7, 2009 Supplement only)

**Supplement to Cal/EPA External Scientific Peer Review Guidelines –
“Exhibit F” in Cal/EPA Interagency Agreement with University of California
Gerald W. Bowes, Ph.D.**

Guidance to Staff:

1. Revisions. If you have revised any part of the initial request, please stamp “Revised” on each page where a change has been made, and the date of the change. Clearly describe the revision in the cover letter to reviewers, which transmits the material to be reviewed. The approved reviewers have seen your original request letter and attachments during the solicitation process, and must be made aware of changes.
2. Documents requiring review. All important scientific underpinnings of a proposed science-based rule must be submitted for external peer review. The underpinnings would include all publications (including conference proceedings), reports, and raw data upon which the proposal is based. If there is a question about the value of a particular document, or parts of a document, I should be contacted.
3. Documents not requiring review. The Cal/EPA External Peer Review Guidelines note that there are circumstances where external peer review of supporting scientific documents is not required. An example would be “A particular work product that has been peer reviewed with a known record by a recognized expert or expert body.” I would treat this allowance with caution. If you have any doubt about the quality of such external review, or of the reviewers’ independence and objectivity, that work product – which could be a component of the proposal - should be provided to the reviewers.
4. Implementation review. Publications which have a solid peer review record, such as a US EPA Criteria document, do not always include an implementation strategy. The Cal/EPA Guidelines require that the implementation of the scientific components of a proposal, or other initiative, must be submitted for external review.
5. Identity of external reviewers. External reviewers should not be informed about the identity of other external reviewers. Our goal has always been to solicit truly independent comments from each reviewer. Allowing the reviewers to know the identity of others sets up the potential for discussions between them that could devalue the independence of the reviews.
6. Panel Formation. Formation of reviewer panels is not appropriate. Panels can take on the appearance of scientific advisory committees and the external reviewers identified through the Cal/EPA process are not to be used as scientific advisors.
7. Conference calls with reviewers. Conference calls with one or more reviewers can be interpreted as seeking collaborative scientific input instead of critical review. Conference calls with reviewers are not allowed.

Guidance to Reviewers from Staff:

1. Discussion of review.

Reviewers are not allowed to discuss the proposal with individuals who participated in development of the proposal. These individuals are listed in Attachment 3 of the review request.

Discussions between staff and reviewers are not permitted. Reviewers may request clarification of certain aspects of the review process or the documents sent to them.

Clarification questions and responses must be in writing. Clarification questions about reviewers' comments by staff and others affiliated with the organization requesting the review, and the responses to them, also must be in writing. These communications will become part of the administrative record.

The organization requesting independent review should be careful that organization-reviewer communications do not become collaboration, or are perceived by others to have become so. The reviewers are not technical advisors. As such, they would be considered participants in the development of the proposal, and would not be considered by the University of California as external reviewers for future revisions of this or related proposals. The statute requiring external review of science-based rules proposed by Cal/EPA organizations prohibits participants serving as peer reviewers..

2. Disclosure of reviewer Identity and release of review comments.

Confidentiality begins at the point a potential candidate is contacted by the University of California. Candidates who agree to complete the conflict of interest disclosure form should keep this matter confidential, and should not inform others about their possible role as reviewer.

Reviewer identity may be kept confidential until review comments are received by the organization that requested the review. After the comments are received, reviewer identity and comments must be made available to anyone requesting them.

Reviewers are under no obligation to disclose their identity to anyone enquiring. It is recommended reviewers keep their role confidential until after their reviews have been submitted.

3. Requests to reviewers by third parties to discuss comments.

After they have submitted their reviews, reviewers may be approached by third parties representing special interests, the press, or by colleagues. Reviewers are under no obligation to discuss their comments with them, and we recommend that they do not.

All outside parties are provided an opportunity to address a proposed regulatory action during the public comment period and at the Cal/EPA organization meeting where the proposal is considered for adoption. Discussions outside these provided avenues for comment could seriously impede the orderly process for vetting the proposal under consideration.